



Legislative Fiscal Bureau

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April 7, 2009

TO: Representative Kitty Rhoades
Room 115 West, State Capitol

FROM: Bob Lang, Director

SUBJECT: Non-Fiscal Policy Items Contained Within the Governor's 2009-11 Budget Bill

This office has prepared the attached list of items that are contained within 2009 Assembly Bill 75 (the Governor's 2009-11 budget recommendations). The list is comprised of items that are primarily of a non-fiscal policy nature and not closely related to the state's fiscal programs for the next biennium. Included are the page and item number showing where the provisions are described in the Legislative Fiscal Bureau's summary of the Governor's budget.

Some of the items on the list are marked with an asterisk (*). These items are of a technical nature and do not raise any policy issues. However, because these matters are typically addressed by the Law Revision Committee, they are included on the list.

Putting such a list together always requires some subjective judgment on which items should be identified. Arguments could be made to expand the list beyond what is presented here or to delete some items from it. However, in preparing the attached list, this office applied the same criteria that it has used in previous biennia when identifying provisions of the executive budget bill as non-fiscal policy items.

The criteria used are as follows: (1) generally, the item has no state fiscal effect; (2) if there is a state fiscal effect associated with an item, the policy implications of the provision outweigh any potential fiscal effect; (3) the item has been, or is, the subject of separate, non-budget legislation; (4) the item is one that typically would be reviewed by a standing committee of the Legislature; and (5) the provision could be accomplished without statutory directive, such as reports, studies, and audits. Items that typically are not included on the list are those that: (1) affect state program eligibility; (2) would generally be referred to the Joint Committee on Finance if introduced as separate legislation; and (3) address a reorganization or transfer of state government operations or functions.

There are two provisions of AB 75 which are not included on the list due to their potential fiscal effect. However, they represent significant policy decisions which would normally be the

topic of legislation outside of the budget process and addressed by standing committees of the Legislature.

The first is a series of sentencing modifications under the Department of Corrections. There are six items (#1 thru #6) which begin on page 207 and end on page 216. The items reflect proposed modifications to the state's bifurcated felony sentencing structure. Because the items would affect prison population and potentially costs, they are not on the list, but the policy implications might be more appropriately addressed outside of the budget process.

The second item (page 646, #7) involves the primary enforcement of seat belt laws. This item has been the subject of separate legislation in a number of legislative sessions. If the provision were to be enacted by June 30, 2009, the state could receive up to \$18.1 million in federal funds. Thus, it is not included in the attached list. However, given that the provision has been reviewed outside of the budget process on a number of occasions, it may be beneficial to have appropriate standing committees of the Legislature again address it.

BL/sas
Attachment

NON-FISCAL POLICY ITEMS

ADMINISTRATION

General Agency Provisions

- Reassignment of Executive Branch Employees (Page 38, #20)
- Cost-Benefit Analysis (Page 39, #21)
- Prohibit Use of Private Aircraft for Out-of-State Travel (Page 39, #22)

AGRICULTURE, TRADE AND CONSUMER PROTECTION

- Technical Statutory Changes (Page 104, #26)*

BUDGET MANAGEMENT AND COMPENSATION RESERVES

- Repeal Obsolete Provision Relating to State GPR Spending Limit (Page 118, #8)*

BUILDING COMMISSION

- State Building Contracting and Construction Procedures (Page 120, #3)

CHILDREN AND FAMILIES

Children and Families

- Child Welfare Alternative Response Pilot Program (Page 141, #8)

Economic Support and Child Care

- W-2 Agency Requirements (Page 155, #4)

CIRCUIT COURTS

- Expunging Record of Conviction (Page 177, #6)

COMMERCE

Economic Development

- Commerce Authority Under Eminent Domain (Page 196, #17)

Housing, Buildings, and Environmental Regulation

- Landlord Proceeds from Sale of Abandoned Tenant Property (Page 200, #8)*
- Repeal Building Inspector Review Board (Page 200, #9)

EMPLOYEE TRUST FUNDS

- Retirement Eligibility for Educational Support Personnel (Page 237, #7)
- Early Retirement Creditable Service Calculations for Certain Part-Time Employees (Page 238, #8)
- Wellness and Disease Management Programs (Page 238, #10)

EMPLOYMENT RELATIONS COMMISSION

- Repeal QEO Provisions (Page 240, #4 and #5 and Page 526, #1)
- Duration of Collective Bargaining Agreements for School District Employees (Page 241, #6)
- Combining Collective Bargaining Units of School District Employees (Page 241, #7)
- Weighting of Factors Considered in Arbitration Awards for School District Employees (Page 241, #8)
- Technical Correction to Definition of Collective Bargaining (Page 243, #9)*

GENERAL FUND TAXES

Excise Taxes and Regulation of Tobacco

- Direct Marketing of Cigarettes and Tobacco Products (Page 285, #4)

GENERAL PROVISIONS

- Contributory Negligence (Page 304, #1)
- Establishment of Domestic Partnership and Related Rights and Benefits (Page 304, #2)
- City of Milwaukee Appropriation Obligation Bonding Authority (Page 315, #3)
- Restrictions on Smoking (Page 322, #4; and Page 355, #6)

HEALTH SERVICES

Departmentwide

- Eliminate Certain Required Reports (Page 340, #13)

Medical Assistance and FoodShare -- Administration

- Consolidated Enrollment for Public Benefits Programs (Page 373, #8)

Care Facilities

- Escorts for Sexually Violent Persons During the First Year of Supervised Release (Page 383, #13)
- Treatment to Competency (Page 384, #14)
- Supplementary Mental Examinations (Page 384, #15)

Quality Assurance, Disabilities, and Substance Abuse

- Wisconsin Quality Home Care (Page 385, #1)
- Contesting Actions and Receiverships (Page 392, #6)
- Nursing Home Bed Transfer (Page 393, #7)

INSURANCE

- Health Insurance Coverage -- Coverage Requirements for Dependents (Page 417, #11)
- Independent Review of Coverage Denial Determinations and Rescissions (Page 417, #12)
- Individual Health Policies -- Modifications at Renewals (Page 418, #13)
- Individual Health Insurance Policies -- Preexisting Condition Exclusions (Page 419, #14)
- Individual Health Insurance Policies -- Uniform Application (Page 419, #15)
- Individual Health Insurance Policies -- Cancellation and Rescission Reports (Page 420, #16)
- Motor Vehicle Insurance -- Uninsured, Underinsured and Medical Payments Coverage (Page 420, #17)
- Motor Vehicle Insurance -- Umbrella and Excess Liability Insurance (Page 421, #18)
- Motor Vehicle Insurance -- Proof of Financial Responsibility (Page 422, #19)
- Motor Vehicle Insurance -- Prohibited Policy Provisions (Page 422, #20)

JUSTICE

- Collection of Traffic Stop Data (Page 434, #13)

MEDICAL COLLEGE OF WISCONSIN

- Eliminate Certain Reporting Requirements (Page 442, #4)

NATURAL RESOURCES

Departmentwide

- Land Program Title Change (Page 460, #15)*

Air, Waste, and Contaminated Land

- Local Recycling Program Variances (Page 486, #6)

OFFICE OF STATE EMPLOYMENT RELATIONS

- Collective Bargaining Rights for University of Wisconsin System Faculty and Academic Staff (Page 494, #5 and Page 661, #23)

PUBLIC INSTRUCTION

School District Operations

- High School Graduation Requirements (Page 526, #2)
- Consolidated District Board Membership (Page 526, #3)*
- LRB Bill Draft on MPS Operations (Page 527, #4)

Choice and Charter

- Milwaukee Parental Choice Program -- Assessments, Promotion, and Standards (Page 528, #3)
- Milwaukee Parental Choice Program -- School Accreditation (Page 530, #4)
- Milwaukee Parental Choice Program -- Staff Credentials (Page 531, #5)
- Milwaukee Parental Choice Program -- Hours of Pupil Instruction (Page 531, #6)
- Milwaukee Parental Choice Program -- Provision of Information (Page 531, #7)
- Milwaukee Parental Choice Program -- Pupil Records (Page 533, #8)
- Milwaukee Parental Choice Program -- Pupil Participation in Religious Activities (Page 533, #9)
- Milwaukee Parental Choice Program -- Priority Under Enrollment Limit (Page 534, #10)

PUBLIC SERVICE COMMISSION

- Immediate Savings Energy Efficiency Program (Page 543, #6)
- Filing Extension for Public Utility Balance Sheets (Page 544, #7)
- Review of Telecommunication Depreciation (Page 545, #9)
- Telecommunications Reports by the PSC (Page 545, #10)
- Review of USF Rules (Page 546, #11)

REVENUE

Tax Administration

- Tax Appeals Commission Standard of Review (Page 563, #14)

SHARED REVENUE AND TAX RELIEF

Property Tax Credits

- First Dollar Credit -- Distribution of Credits to Counties (Page 571, #3)
- First Dollar Credit -- Installment Payments (Page 572, #4)*

Property Taxation

- Property Tax Exemptions for Biotechnology and Manufacturing Research (Page 582, #2)
- Review of Assessments by Class of Property (Page 583, #3)
- County Property Tax Assessment Program (Page 584, #4)

Local Revenue Options

- Expansion of Premier Resort Area Tax (Page 585, #1)

TRANSPORTATION

Local Transportation Assistance

- Regional Transit Authorities (Page 607, #2)

State Highway Program

- Design-Build Contracting for Highway Improvement Projects (Page 629, #9)
- Appeals in Eminent Domain Proceedings (Page 629, #10)

Motor Vehicles

- Milwaukee Brewers License Plate (Page 641, #14)

State Patrol

- Photo Enforcement of Traffic Light and Work Zone Speed Violations (Page 646, #8)

UNIVERSITY OF WISCONSIN SYSTEM

- Eliminate Certain Reporting Requirements for the UW Medical School (Page 661, #24)

WORKFORCE DEVELOPMENT

- Worker's Compensation -- Work Injury Supplemental Benefit Fund Claims (Page 690, #13)
- Equal Rights -- Dismissal of Complaints for Probable Cause (Page 693, #18)
- Equal Rights Labor Standards -- Local and Municipal Public Works Project Prevailing Wage Applicability Thresholds, Records, and Publicly Funded Private Construction Projects (Page 695, #19)